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09/188,863 11/09/98 NABORS

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EXAMINER
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LE, K

ART UNIT	PAPER NUMBER
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2761

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07/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/188,863

Applicant(s)

NABORS ET AL.

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 0 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 0 is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) 0 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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09/188863

## DETAILED ACTION

### Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### Claims Rejections- 35 US S 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, and 20-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, "the query result" lacks antecedent basis. In claim 6, to which claim 13 refers, no such query was mentioned.

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In claim 26, "each list being an intermediary's customer list" is unclear. Claim 20 on which claim 26 ultimately depends, mentions a singular intermediary while in claim 26, many are assumed. Also, claim 26 fails as an apparatus claim because no apparatus is associated with "lists".

In claims 20 line 10 and 29 line 10, the use of "such as" is vague and indefinite.

Dependent claims not specifically mentioned above are rejected because by their dependence they include the language of a rejected base claim.

#### Claim Rejections - 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time

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any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102((e), f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 8-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of Dworkin (US Pat. 4992940).

As per claim 1, the "TechShopper" (TS) article teaches:

A process using a computer network to facilitate the purchase of a product, having multiple configurations, each product configuration being described by a set of product attributes (in TS, called "specifications")

the process comprising of

configuring a customer's desired product by selecting the customer's desired set of product attributes (TS "recommends configurations" with its "SoftwareExpert" and its "Percentage Matching Algorithm" features)

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selecting a target set of sellers and transmitting a request for quote(RFQ)to the target set of sellers (through TS' "SellerFinder" feature, customers select sellers who can fulfill their desired configuration then send them RFQ's through TS's "Custom Quote Request and Response Service" feature)

and the RFQ including the customer's desired set of product attributes

(The TS model helps users transform their complex usage needs into detailed specifications, advises on each specification selection and recommends configurations. It is inherent in its model that once a configuration made up of certain specifications is selected ,the customer can send out an RFQ made up those specifications to selected sellers through TS's "Custom Quote Request and Response Service" features)

and the RFQ being transmitted to the seller subsystem,using the computer network (TS can "broadcast to sellers" the RFQ and the use of a computer network and a seller subsystem in the TS model is implied)

responding to the RFQ with a quote, from at least one seller from the target set of sellers, (Official Notice is taken that it is well-known that sellers receiving RFQ's would want to respond with quotes and thus at least one of

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the more than 200 vendors in TS's system would thus respond).

transmitting the quotes to the customer (this is inherent in the TS model so buyers can make a purchase decision based on quotes received)

TS fails to explicitly teach the quote being input through the seller subsystem and using the computer network. However, Official Notice is taken that TS is a Web-based service. Further Official Notice is taken that responses are routinely provided over the Internet via computer systems. Thus, it would be obvious to one skilled in the art at the time the invention was made to modify TS to include responses via the Internet and thus responding sellers would have used some seller subsystem and TS's computer network.

TS fails to explicitly teach selecting for acceptance a price quote that matches the customer's attributes (The TS system does not select for the customer but its purpose is to help customers easily to make their own decisions). Official Notice is taken that it is well-known that once a customer receives a price quote among many that matches his request he is likely to select the matching one for acceptance. Thus, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify TS to include a selection for acceptance feature

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through an intermediary or otherwise to enhance customer service.

The TS article does not explicitly teach that the targeted sellers are in the customer's geographical area. However its model allows customers to review matching sellers and to choose to send RFQ's to sellers based on their addresses. Further, Dworkin teaches location as a seller criterion reviewable by customers (see col 7 line 47).

Official Notice is taken that customers often choose sellers based on geographical areas because they can get better service or support or because the product sought poses a shipping costs or risk issue. It would be obvious to one skilled in the art at the time the invention was made to combine TS's teaching with geographically-targeted sellers to improve customer satisfaction.

The TS article does not explicitly teach that the targeted sellers are manufacturer-licensed. However its model allows customers to review matching sellers and to choose to send RFQ's to sellers based on many sellers' data such as support, service, payment policy, etc... Further, Dworkin teaches that many seller data are reviewable by customers (see col 7 line 37-49).

Official Notice is further taken that customers often choose sellers based on whether they are manufacturer-licensed or not because they can get better service, support or warranty. It would be obvious to one skilled in



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the art at the time the invention was made to add to TS's and Dworkin's teachings the requirement that sellers be manufacturer-licensed to improve customer satisfaction.

TS does not teach transmission of acceptance to the seller but Dworkin teaches just that (see col 8, lines 9-37). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to permit a more efficient matching process and closing the sale thereafter.

As per claim 8, TS and Dworkin do not teach transmitting the RFQ to a select set of sellers is transmitting from an intermediary to a server and then from the server to the target set of sellers. However, TS is a Web-based service and Official Notice is taken that the nature of the Internet is such that information is transmitted through many intermediaries including Internet service providers (ISP's), and various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to the above-mentioned common transmission methods to effect Internet based transactions.

As per claim 9, TS and Dworkin do not teach responding to a RFQ is transmitting a quote from at least 1 seller to the target set of sellers to the server, and from the server to the intermediary. However, TS is a Web-based service and Official Notice is taken that it is well-known

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that any party communicating through the internet have to transmit their messages through the server and through many intermediaries including Internet service providers (ISP's), various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to the above-mentioned common transmission methods to effect Internet based transactions.

As per claim 10, TS and Dworkin do not teach that quotes are transmitted by the intermediary to the customer by phone, electronic mail or fax. However, TS is a Web-based service and Official Notice is taken that it is well-known for information to be relayed by email on the Internet and that there are many intermediaries on the Internet. It would be obvious to one skilled in the art at the time the invention was made to use email to transmit quotes to customers and through the many intermediaries on the Internet to effect efficient electronic commerce.

As per claim 11, TS and Dworkin do not explicitly teach that selecting a target set of sellers comprises querying a database of product sellers based on a set of seller criteria and selecting from query results. However Dworkin teaches that customers can view various data about matching sellers and select them to place orders (col. 7 lines 23-53) Official Notice is taken that data usually reside on databases. It would be obvious to one skilled in the art at the time the invention was made to query a

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sellers database and select after a query of sellers criteria to effect the matching process.

As per claim 12, TS and Dworkin does not explicitly teach storing a list of the target set of sellers on the seller database as a preferred sellers list. However, Official Notice is taken that data can be stored on databases as lists . That such list be called "preferred sellers" list in the present application can not be given patentable weight as it represents the mere title of the list.

As per claim 14, TS and Dworkin do not teach that transmitting the price quotes to the customer comprises transmitting them to the intermediary subsystem then transmitting to customer subsystem. However, TS is a Web-based service and Official Notice is taken that the nature of the Internet is such that information is transmitted through many intermediaries including Internet service providers (ISP's), and various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to the above-mentioned common transmission methods to effect Internet based transactions.

As per claim 15, TS and Dworkin do not explicitly teach notifying the target set of sellers that an RFQ has been transmitted to them. However, transmitting an RFQ to

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sellers as in TS is notifying them that an RFQ is coming their way

7. Claims 2,3,4,and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TS, Dworkin as applied to claim 1 above and further in view of Willis et al (US 5515269).

As per claim 2, the TS article teaches that configuring comprises transmitting the customer desired set of product attributes to an intermediary and inputting that data into the intermediary subsystem ( Customers log on to the TechShopper Website);

TS and Dworkin do not teach that configuring comprises querying an electronic database of existing product configurations, using the customer's desired set of product attributes to assess the feasibility of the customer's selected configuration, but Willis teaches just that (col. 6, line 43-67, Willis's "Model file" being the equivalent of applicant's electronic database of existing product configurations; col 4 line 17 to col 5 line 14: Willis's system of checking attributes "incompatibilities" being the equivalent of applicant's feasibility assessment).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to Willis's to provide better customer satisfaction and manageable manufacturing in this world of ever-changing markets, materials, methods and government mandates.

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As per claim 3, TS and Dworkin do not teach transmitting the customer's attributes set to second intermediary. However, TS is a Web-based service and Official Notice is taken that the nature of the Internet is such that information is transmitted through many intermediaries including Internet service providers (ISP's), and various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin and Willis and the use of many intermediaries as needed to effect the desired electronic commerce purpose.

As per claim 4, TS teaches that configuring comprises transmitting the customer desired set of product attributes to an intermediary and inputting that data into the intermediary subsystem (Customers log on to the TechShopper Website).

TS and Dworkin do not teach that configuring comprises querying an electronic database of existing product configurations, using the customer's desired set of product attributes to assess the feasibility of the customer's selected configuration, but Willis teaches just that (see claim 2 above). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to Willis's to provide better customer satisfaction and manageable manufacturing in this world of ever-changing markets, materials, methods and government mandates.

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As per claim 5, TS and Dworkin do not teach transmitting the customers's desired attributes to a second intermediary. However, TS is a Web-based service and Official Notice is taken that the nature of the Internet is such that information is transmitted through many intermediaries including Internet service providers (ISP's), and various routing systems. . It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin and the use of many intermediaries as needed to effect the desired electronic commerce purpose.

8. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article and Dworkin as applied to claim 1 and further in view of Lalonde (US Pat 5283731).

As per claim 6, TS and Dworkin fail to teach that customers can include a degree of flexibility in at least one product attribute. However, Lalonde teaches just that (col 6 lines 57-62, "tolerance parameters" being a percentage or a +1 or -1). It would be obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin and Lalonde to include some flexibility feature to facilitate the product matching process.

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As per claim 13, TS fail to teach filtering the seller target set based on additional criteria. However, Dworkin teaches that customers can make complaints about certain vendors(col. 4 line 57) and other seller criteria may be known such as order terms and conditions(col 7 line 43-54). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS and Dworkin to use this additional data to filter sellers to provide enhanced customer satisfaction.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article and Dworkin as applied to claim 1, Willis as applied to the feasibility feature as explained in Claim 2 above, and further in view of Green (US Pat. 6041310).

TS and Dworkin do not teach querying an electronic database of existing product configurations using the customer's desired set of product attributes to assess the feasibility of alternate configurations and assembling a quote based on the alternate product configuration. However Green teaches providing customers with a secondary vehicle choice if the desired configuration cannot be matched exactly from existing inventory (col 10 line 64 to col. 11 line 8, col 11 lines 30-37). One skilled in the art at the time the invention was made would have found it obvious to add Green's teachings to TS's, Dworkin's and Willis's to increase the probability of sale closing after the product matching process.

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10. Claims 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article and Dworkin as applied to claim 1, and further in view of Walker (US Pat. 5794207).

As per claim 16, TS and Dworkin do not teach storing RFQ's in a RFQ database. However, Walker teaches the use of a transaction documents database to store them(see Fig. 2, "CPO database"). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin and Walker to efficiently manage transaction documents, and provide better customer support in case of disputes.

As for claim 17, TS and Dworkin do not teach tracking the status of each RFQ. However, Walker teaches tracking of all transaction documents with a database(col. 13 line 23-29). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, and Walker to ensure proper customer service, such as avoiding repetitious fulfillment of RFQ's.

As per claim 18, TS and Dworkin do not teach inputting a set of customer information and storing such in a customer database. However, Walker teaches just that(see Fig 2 "BUYER database", col. 13 lines 1-10). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin and Walker to effect efficient commerce: some customers'



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data, such as addresses must at least be stored in accessible format to send quotes to.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over TS, Dworkin, and Walker as applied to claim 17, and further in view of Green (US Pat 6041310).

TS and Dworkin do not teach tracking customer information to obtain marketing information but Green does just that (see col 7 lines 46-67). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, Walker and Green to increase potential sales.

12. Claim 20-23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over TS, Dworkin, Willis as applied to all the applicable process features as explained in the various claims above.

TS teaches:

A computer network apparatus to facilitate the purchase of a product, having multiple configurations, each product configuration being described by a set of product attributes, comprising:

a **Server comprising** : processor,  
storage device connected to processor,  
a product database stored on the storage device, the product database including information regarding existing combinations of product attributes,  
a seller database stored on the storage device, the seller database including information such as geographic location

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a program stored on the storage device for controlling the processor to:

- receive customer's selected set of attributes,
- query the product database using the customer's desired set of attributes, to confirm the feasibility of the selected configuration,
- select from Seller database using a set of seller attributes to select a target set of sellers in the customer's geographical area,
- transmit RFQ's to the target set of sellers, the RFQ including the customer's desired set of product attributes,

- receive quotes from at least one seller from the target set of sellers, receive an acceptance of one of the quotes, and transmit the acceptance to the accepted seller.

An intermediary subsystem connected to the server, the intermediary subsystem comprising a computer operative with a program stored thereon to:

- receive from an intermediary input of a customer's selected set of product attributes,
- transmit to the server customer's selected set of
- receive from the server a quote from a seller,
- receive from the intermediary input of an acceptance of a quote,

- transmit to the server acceptance of one of the quotes

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A seller subsystem connected to the server, the seller subsystem comprising a computer operative with a program stored thereon to:

- receive RFQ's from the server,
- receive from a seller input of a quote ins response to the RFQ, and
- transmit the quote to the server.

All this apparatus and databases necessary to carry out the enumerated process steps are inherent either in the TS system, a Web-based system, or in the Dworkin's or Willis's automatic systems. Official Notice is taken that Web-based services use various servers comprising of processors with storage devices, with many databases designed on those storage devices, arranged in many ways to contain the various data necessary to achieve the intended process purposes. Official Notice is further taken that storage devices contain various operating programs designed to carry out the intended process steps. Official Notice is taken that each party connecting to the Internet needs to have a subsystem comprising at least of a computer or subsystem with a program stored thereon or otherwise to transmit and receive information from Web servers and other routers, and, that any party communicating through the Internet has to transmit their messages through the server and through many intermediaries including Internet service providers (ISP's), and various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin,

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and Willis, to the above-mentioned common computer operation, data storage and manipulation, and transmission methods to effect efficient Internet based transactions. Applicant's choice of apparatus arrangement is merely a matter of obvious optimization for the particular intended purpose.

As per claim 21, TS teaches

A customer subsystem comprising of a computer operative with a program stored thereon to:

receive from a customer input of a customer's selected set of product attributes and transmit to the server customer's selected set of attributes

As explained above, TS is a Web-based service and

Official Notice is taken that each party connecting to the Internet need s to have a subsystem comprising at least of a computer with a program stored thereon to transmit and receive information from Web servers and other routers, or other intermediary interfaces as needed. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, Willis, Walker, to the above-mentioned common computer operation, data storage and manipulation, and transmission methods to effect efficient Internet based transactions. Applicant's choice of apparatus arrangement is merely a matter of obvious optimization for the particular intended purpose.

As per claim 22, TS teaches

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An intermediary subsystem comprising of a computer operative with a program stored thereon to:

receive from the server input of a customer's selected set of product attributes.

Official Notice is taken that each party connecting to the Internet needs to have a subsystem comprising at least of a computer or subsystem with a program stored thereon or otherwise to transmit and receive information from Web servers and other routers, and, that any party communicating through the Internet has to transmit their messages through the server and through many intermediaries including Internet service providers (ISP's), and various routing systems. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, and Willis, to the above-mentioned common computer operation, data storage and manipulation, and transmission methods to effect efficient Internet based transactions. Applicant's choice of apparatus arrangement is merely a matter of obvious optimization for the particular intended purpose.

As per claim 23, TS, Dworkin and Willis teach

An intermediary subsystem comprising of a computer operative with a program stored thereon to:

receive input of a customer's selected set of product attributes; query a product database to confirm feasibility of customer selected configuration and transmit to the server customer's desired set of product attributes. (see explanations above)

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They do not explicitly teach a second product database on the intermediary subsystem program and querying the second product database to confirm feasibility of customer selected configuration. However, TS being Web-based, Official Notice is taken that Web-based services use various intermediary systems comprising of processors with storage devices, with many databases designed on those storage devices, arranged in many ways to contain the various data necessary to achieve the intended process purposes. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, and Willis, to the above-mentioned common computer operation, data storage and manipulation, and transmission methods to effect efficient Internet based transactions. Applicant's choice of apparatus arrangement is merely a matter of obvious optimization for the particular intended purpose.

As per claim 28, TS and Dworkin do not teach that the program on the server's storage device can store a list of the target sellers as a preferred sellers list. However, official Notice is taken that it is well known that data can be stored on databases as lists. That such list is called "preferred sellers" list in the present application and means thereof is provided can not be given patentable weight as it merely represents the title of the list.

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13. Claims 24-26 and are rejected under 35 U.S.C. 103(a) as being unpatentable over TS, Dworkin, Willis as applied to claim 20, and further in view of Walker (US Pat. 5794207).

As per claim 24, TS and Dworkin do not teach an RFQ database stored on the server storage device, operative with the processor to store RFQ's in a RFQ database. However, Walker teaches the use of a transaction documents database to store them see Fig. 2, "CPO database" on "central controller") and track the status of each RFQ (col. 13 line 23-29). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin and Walker to provide a means to efficiently manage transaction documents, ensure proper customer service, such as avoiding repetitious fulfillment of RFQ's and provide better customer support in case of disputes.

As for claim 25, TS and Dworkin do not teach a customer database stored on the storage device, the program operative with the processor to store customer information in the customer database and update the customer information when new customer information is received. However, Official Notice is taken that all customers do not join the system at the same time therefore it would have been obvious to one skilled in the art at the time the invention was made to provide a means of updating and storing customer information to provide better customer service and better overall transactions management.

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As for claim 26, TS and Dworkin do not teach storing customer information on the customer database in lists, each list being an intermediary's customer list. However, it is well known that data can be stored on databases as lists. That such list be called "intermediary's customer list" in the present application can not be given patentable weight as it merely represents the title of the list.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over TS, Dworkin, Willis and Walker as applied to claim 25, and further in view of Green (US Pat 6041310).

TS and Dworkin do not teach a program operative with the processor for tracking customer information but Green does just that (see col 7 lines 46-67). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, Walker and Green and provide some means to effect Green's teaching to achieve potential sales increase.

15. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over TS, Dworkin, and Willis as applied to all the applicable process features as explained in the various claims above. Claim 29 is in effect a combination of claims 20 and 21 with the elimination of the intermediary subsystem. The limitations of claim 29 which



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parallel those of claim 20 and 21 are rejected on the same basis.

TS teaches:

A computer network apparatus to facilitate the purchase of a product, having multiple configurations, each product configuration being described by a set of product attributes, comprising:

a Server comprising : processor,  
storage device connected to processor,  
a product database stored on the storage device, the product database including information regarding existing combinations of product attributes,  
a seller database stored on the storage device, the seller database including information such as geographic location  
a program stored on the storage device for controlling the processor to:

receive customer's selected set of attributes,  
query the product database using the customer's desired set of attributes, to confirm the feasibility of the selected configuration,  
query the seller database using a set of seller attributes to select a target set of sellers in the customer's geographic area,  
transmit RFQ's to the target set of sellers, the RFQ including the customer's desired set of product attributes,

receive quotes from at least one seller from the target set of sellers,

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receive an acceptance of one of the quotes, and  
transmit the acceptance to the seller whose quote has  
been accepted.

A customer subsystem comprising of a computer  
operative with a program stored thereon to:

receive from a customer input of a customer's  
selected set of product attributes,

transmit to the server customer's selected set of  
product attributes,

transmit to the server customer's selected set of  
product attributes

receive from the server a quote from a seller,

receive from the customer input of an acceptance of a  
quote,

transmit to the server acceptance of one of the  
quotes , and

A seller subsystem, the seller subsystem comprising a  
computer operative with a program stored thereon to:

display the contents of an RFQ to a seller

receive from a seller input of a quote in response to  
the RFQ, and

transmit the quote to the server.

As explained above, TS is a Web-based service and  
Official Notice is taken that each party connecting to the  
Internet need s to have a subsystem comprising at least of  
a computer with a program stored thereon to transmit and  
receive information from Web servers and other routers, or  
other intermediary interfaces as needed. Official Notice is

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also taken that the transactions on the Internet involve many intermediaries or none at all if desired. It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of TS, Dworkin, Willis, Walker, to the above-mentioned common computer operation, data storage and manipulation, and interfaces and transmission methods to effect efficient Internet based transactions. Applicant's choice of apparatus arrangement is merely a matter of obvious optimization for the particular intended purpose.

#### Conclusion

16. Prior art made of record and not relied upon is considered pertinent to applicants' disclosure:

Zandi, US 5966699, teaches a loan auction system over computer network

Sammon, Jr. et al., (US 6012051) teaches flexibility in product configuration attributes

Gupta et al., (US 5825651) teach method and apparatus for maintaining and configuring systems

Shavit et al., (US 4799156) teach interactive market management with plurality of buyers and sellers

Barnes et al., (US 5970475) teach the involvement of intermediaries in electronic procurement and trading systems

Maki et al. (US 5307261) teach complex product configuration

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Long et al. (US 5117354) teach price quoting and order processing by manufacturers of custom manufactured parts

Nick, (US 6009406) teaches an automated configuration system for complex products

Walker et al., (US 6041308) teaches a method for transaction management

Walker et al., (US 5897620) teaches a method for purchasing airline tickets with built in flexibilities

Webber et al. (US 5021953) teaches optimizing travel itinerary selection using customer-acceptable criteria and reasonableness standards.

Ford Motor Co. Website [www.ford.com](http://www.ford.com) , date unknown

Ask.chrysler.com, copyright 1996-2000

QPrice.com, copyright 1998-1999

NetgenShopper.com , copyright 2000

Imandi.com, copyright 1999-2000

Respond.com, copyright 1999-2000

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is (703) 305-0571. The examiner can normally be reached on Monday-Friday from 8:00 AM - 4:30 PM. The examiner can also be reached at the e-mail address: [khanh.le2@uspto.gov](mailto:khanh.le2@uspto.gov)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703) 305-9714. Facsimile transmissions to this Group may be directed to (703) 308-1396.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900

KHL

June 30, 2000

  
ROBERT A. WEINHARDT  
PRIMARY EXAMINER